

BATONYI JURY COMES IN

SEALED FINDINGS: TO BE OPENED THIS MORNING.

The Whip an Angry Witness in His Own Defence—Denies His Wife's Charges—Admits His Name Was Once Kohn and Says Works Were Once Worth.

The suit of Frances Work Batonyi for an absolute divorce from Aurel Batonyi, the whip, which has been on trial for two days before Supreme Court Justice O'Gorman and a jury, went to the jury yesterday afternoon at 3:15 o'clock. When nothing had been heard from the jury up to 5:25 o'clock except several requests for the reading of certain testimony the Court ordered a sealed verdict. Early in the evening the jury turned in its findings, which will be opened at 9 o'clock this morning. Lawyers in the case said that with permission of the Court a disagreement as well as an agreement could thus be returned.

The testimony was concluded at noon yesterday. Mr. Batonyi was the only witness in his own behalf. After he had given such vigorous denials of the charges concerning his conduct with Beatrice Brevaine Dreyfus in a taxi cab and with Margaret Lawrence in her apartments at 226 Central Park West that the Court admonished him to confine himself in his answers to "yes" and "no." W. M. K. Olcott, counsel for Mrs. Batonyi, put him through a cross-examination that got his temper to the boiling point.

Mr. Olcott brought this about by reading paragraphs from Batonyi's original cross-complaint in answer to Mrs. Batonyi's suit, a complaint that was withdrawn but was published in a newspaper, in which the defendant impeached his wife's conduct with Frank K. Sturgis, banker for the Work family, including the allegation that she was the mistress of Sturgis. The cross-complaint also contained the charge that Mrs. Batonyi had an architect come to the house for the ostensible purpose of planning some changes, while her real object was to be able to visit him in the night.

In his later answer Batonyi had declared that his relations with his wife were perfectly happy during the period covered by the original accusations, and Mr. Olcott asked him if the original accusations were true. Batonyi said he had no comment to make on the charges and was only sorry that Mr. Olcott had brought them out. Mr. Olcott demanded the same of the architect but the Court ruled out the answer.

"Will you tell me why in view of the charges against this 'low and fallen woman' you did not sue her for an absolute divorce?" asked Mr. Olcott.

"I am sorry that that was put in by my former counsel, but it was all brought out by you," replied Batonyi, fairly shouting.

"You swore to and signed that affidavit. Why did you make it?"

Batonyi objected to answering and the Court told him he needn't, adding: "It seems that we have travelled very far afield in this matter."

When Mr. Olcott insisted on an explanation of Batonyi's later affidavit that he and his wife lived happily together he said:

"We did live happily together until Frank K. Sturgis interfered and caused trouble. The truth will all come out some day and it will be shown that the witnesses in this case against me lied. The truth will all come out, just as it did in the Morse divorce case. It took a long time then, but the truth finally came out, and it will in this case—the truth will come."

He testified that he didn't live at the Hotel Empire on December 19, 1907, having left there on December 9 of that year. He knew the telephone girl at the Empire who testified on Monday that Batonyi frequently called 1912—Riverside, Mrs. Lawrence's number, but he declared that he had never called the number. He said that after he left the Hotel Empire he was surrounded by detectives that he went to a private boarding house in West Seventy-first street.

Batonyi declared that he never heard of Mrs. Lawrence until he got the complaint in the present case, and never was in her apartment. He also declared that he never heard of Beatrice Brevaine until he got the divorce papers, and denied the whole story of the taxi cab ride. When asked concerning the truth of various details of the story Batonyi said repeatedly:

"That entire story is absolutely untrue. I never knew that woman and was never in a taxi cab with her in my life."

As to the statement by the taxi cab driver that he wore a white chrysanthemum on his overcoat that night, he said he never wore a chrysanthemum but once, and that was when he was driving at the Horse Show.

Mr. Olcott's first question under the cross-examination was:

"What is your real name?"

"Aurel Batonyi."

"You have had another name?"

"Two other names."

"What were they?"

"Kohn and Muremberg. I changed my name, just as the Works did. Their name was originally Worth when they were sailors."

Batonyi said he had been married before and was divorced, and when Mr. Olcott asked if he ever had any title to property he shouted "No!" He denied that he was a woman travelling abroad as a Count and Countess. He said that the family name was originally Muremberg, but that it was changed to Kohn before he was born.

"This is the second suit for divorce brought against you by your wife, is it not?"

"I do not believe that my wife ever sued me," said Batonyi, rising from the witness chair and making a dramatic gesture in the direction of his wife. "Those suits were instigated and brought by J. Peter Work and yourself."

"You have sued Frank Work for \$500,000 for alienation of your wife's affections?" asked Mr. Olcott.

"I have brought three suits for \$500,000 each against my father-in-law, Frank Work, Frank K. Sturgis and Mr. and Mrs. Peter Cooper Hewitt. I sued Frank

K. Sturgis for \$500,000 because he is at the bottom of all this."

"You have just said I was at the bottom of all this."

"I did. But you are only paid for this by Frank Work and take your instructions from Frank K. Sturgis."

"You realize that if you are found guilty of these charges of adultery you cannot recover this \$1,500,000?"

"I don't want the money. I will give it to charity."

While Mr. Olcott read the allegations concerning Mrs. Batonyi in Batonyi's withdrawn complaint she looked almost constantly at the witness. A smile of scorn crossed her face occasionally and she flushed frequently.

In the summing up for Batonyi Frank Moss declared that the time card turned in by Arcout, the taxi cab driver, who swore that he drove Batonyi and Beatrice Brevaine to 1912th street and back on March 14, 1908, showed that he had three other fares between 8:30 and 11 o'clock, the hours he swore Batonyi and the woman were in the cab. He also pointed out that the fare, \$7, that Arcout said he charged for the trip was remarkably small in view of the time and distance.

Mr. Olcott said in his summing up that he hoped the jury would "take this man out of this splendid woman's life."

MAYOR CORRECTS GAYNOR.

Public Correction Expected From the Candidate Himself.

In his speech in Carnegie Hall last Thursday night Judge Gaynor charged the present administration with paying an exorbitant price to the Cuttings for the Thirty-ninth street (Brooklyn) ferry, and stated that in 1905 R. Fulton Cutting, who was then at the head of the Citizens Union, supported Mr. McClellan for Mayor. Mr. McClellan was written to Judge Gaynor denying that Mr. Cutting supported him four years ago and pointing out that the ferry was bought by the city to prevent it being closed down, and that the price paid for it was fixed by expert valuation.

In reply the Mayor received a message from a representative of Judge Gaynor saying that if an error had been made the Judge would rectify it on the platform.

As he hadn't so rectified it the Mayor sent another letter to him. In answer to this, it was stated yesterday, Judge Gaynor wrote admitting that he was in error and giving to the Mayor the choice of either making the letter public or having a statement made at a public meeting. Mayor McClellan prefers the latter.

FIND VERTEBRA BROKEN.

Midshipman Hurt at Football in Serious Condition.

ANAPOLIS, Oct. 19.—A second X-ray examination of Midshipman Earl D. Wilson of Covington, Ky., who was injured in Saturday's football game, has disclosed that the fifth cervical vertebra is broken. Mrs. Wilson, the boy's mother, is expected to-night, and she will be consulted as to an operation. Under any circumstances a further consultation will take place to-morrow, and eminent specialists may be called in.

Wilson's splendid physique is standing the strain well, and his pulse, temperature and respiration are all about normal. There has also been some diminishment of the paralysis in the sensory nerves.

GUGGENHEIM DIVORCE CASE.

Chicago Court Takes Up Ex-Wife's Plea That Decree Be Set Aside.

CHICAGO, Oct. 19.—Judge Honore today in the Circuit Court took up the petition which will determine whether Grace Guggenheim obtained wrongfully or otherwise, a decree of divorce from William Guggenheim of New York in Chicago, March 30, 1901.

Judge Honore said that he would give due consideration to the fact that it had been stated that Mrs. Guggenheim was bringing this action for pecuniary benefit to herself.

William Seabury of New York is here on behalf of Mrs. Guggenheim, and insists that the decree be set aside. Samuel Untermyer, also of New York, is here on behalf of Guggenheim, and will insist that the court has no right to open the case at this late date.

TO TRY OUR OPERA ABROAD.

The Metropolitan Announces Performances at the Chatelet in Paris.

Giulio Gatti-Casazza, general manager, and Andreas Dippel, administrative manager of the Metropolitan Opera Company, issued this announcement yesterday:

Toward the end of last September through the intelligent efforts of Gabriel Astruc, who is at the head of "La Société Musicale pour les Grandes Auditions de France," a committee of patrons was formed, comprising Americans, Italians and Frenchmen residing in Paris, for the purpose of presenting a series of performances of Italian opera at the Chatelet Theatre, the largest in Paris, during the months of May and June, 1910, with the principal elements of the Metropolitan Opera Company—its principal artists, chorus, scenery, costumes, accessories, &c.

With the formation of the committee of patrons negotiations with the Metropolitan Opera Company were immediately begun between Mr. Astruc, representing the committee, and Gatti-Casazza and Dippel, and were brought to a successful conclusion with the specific understanding that the Italian season in Paris should be undertaken by the Metropolitan Opera Company as a practical demonstration of the artistic standard of opera at the Metropolitan Opera House rather than as a financially speculative scheme.

Rumors of these negotiations have reached the European press and are widely discussed with much surmise as to the personnel and of the artists and the repertoire. It may be stated that such surmises have been either wholly or partially wrong, as neither repertoire or list of artists has yet been specifically determined. At the same time it is stated that the casts will be selected exclusively from the artists engaged by the Metropolitan Opera Company and its affiliated theatres for this and future seasons.

CANNON DEFENDS HIMSELF

DENOUNCES INSURGENTS AND DEMOCRATIC ALLIES.

Tells Audience Why Congressman Fowler Was Deposed From Banking Chairmanship and Denies Compact With Tammany Hall—A Thrust at Bryan.

ELEAN, Ill., Oct. 19.—Speaker Joseph G. Cannon to-night before an audience that jammed the Opera House, poured hot shot into the ranks of the insurgents.

Mr. Cannon, standing on tiptoe, with his hands straight up and that famous left forefinger wagging eloquently, ripped into La Follette and Cummins.

He declared that the time had come for the people of the United States to decide whether seven insurgent Senators who called themselves Republicans and twenty members of the House constituted the Republican party of this country.

Mr. Cannon denounced the charge of a deal with Tammany as a falsehood, and roasted the metropolitan newspapers that assail partisanship with "unfair criticism, falsehood and denunciation."

He gave a reason for removing Representative Fowler from the Banking and Currency Committee, saying that Mr. Fowler tried to block the will of the majority and that the majority had to put Mr. Fowler to one side.

When "Uncle Joe" was not denouncing the attacks on himself and Congress he indulged in satire, fable and sarcasm levelled at the insurgents, Mr. Bryan and others who have termed him a "Czar."

"My God! Can all this be true?" he shouted with a smile that got the audience as he finished recounting the indictment against him.

Holding back the lapsels of his coat, standing erect, and throwing back his head, he said with dramatic fervor: "Behold Mr. Cannon, the Boelzebub of Congress. Gaze on this noble manly form—me Boelzebub, me the Czar."

Mr. Cannon reviewed his more than a score of years in Congress, gave the lie direct to some of his critics and declared that there had been no time in all the history of Congress when a majority could not change the programme or depose a Speaker.

Taking up Representative Fowler, he went into detail and told how Mr. Fowler and a few members of the Banking and Currency Committee had attempted to block the will of the majority.

"The Republican majority and a Republican President had decreed that an emergency currency bill should be passed," said Mr. Cannon. "The committee of which Fowler was chairman refused to report out the bill. We held a caucus of the Republicans of the House and that caucus directed that the committee report out the bill. Still it refused."

"Then, by the will of that majority, I recognized a motion to suspend the rules and all the Republicans except a few of the committee led by a Representative of the name of Fowler from New Jersey voted to suspend the rules. The House passed the bill. The Senate passed that bill and Mr. Roosevelt signed it and it is a law to-day."

"There has never been a day since Mr. Reed's time in 1890 and there never will be a day when a majority of the House cannot consider any public bill on the calendar."

Mr. Cannon reviewed Speaker Reed's career and told how the Democrats got control of the next Congress and how they then after denouncing Reed as a tyrant reenacted the Reed rules in toto and did it again in the next Congress that they controlled.

"And my friend William Jennings Bryan of Nebraska voted for those same rules," shouted Uncle Joe. "He didn't say anything about the Czar business then or for many, many years. He did not vote against the Czar business in 1890, in 1894, or in 1904, but he waited until he thought everybody had forgotten about his vote for the Czar rules."

Mr. Cannon declared a Speaker of the House who will not stand boldly for the programme of the majority every hour of the day should have written across his forehead the words coward and poltroon.

Turning to the insurgents Mr. Cannon charged that La Follette and Cummins came over to the House and took charge of the insurgents and tried to defeat the rules and enact Mr. Clark's rules that would have made it impossible to pass a tariff law.

"We needed but two votes to adopt the rules and we got a basketful," said Mr. Cannon.

The Speaker here stopped long enough to denounce as a falsehood the charge that he had entered into any contract with Tammany in order to pass the rules that were adopted.

"I have no knowledge of such a contract," he said. "We finally passed the Payne tariff bill, and while all of us were not satisfied with everything in it I want to say to you here to-night, as President Taft did at Winona, that it is the best tariff bill ever passed in the history of the Republican party."

"But what happened? The wheels began to go round. Mr. Bryan attacks the bill. Who is helping Mr. Bryan? Not many Democrats in Iowa or Illinois, I believe, but such men as Senator Cummins and La Follette."

"Cummins said there was nothing left to do but appeal to the people. He reminds me of one of Esop's fables where the fox lost his tail in a trap and went around trying to convince all the other foxes that they should cut off their tails too."

"Cummins not only proposes to join Bryan but says that this agitation will not stop until the tariff is revised to suit him."

"It is an open secret in Iowa that Cummins has set out to defeat every Republican member of Congress from Iowa who voted for the tariff bill."

"On that appeal, in the State of Iowa, it is to be determined whether seven Senators and twenty Congressmen calling themselves Republicans constitute the Republican party, or whether a majority of the Republicans and a Republican President who signed the bill constitute the party."

MCCARREN VERY LOW.

Alarming Symptoms Follow Raily After a Bad Night.

Senator Patrick H. McCarren's condition this morning was very serious, Dr. Peter Hughes, his personal physician, left the hospital at 12:30 o'clock this morning to get some rest, after spending three hours with the patient. He issued this bulletin at that time:

I find the Senator's condition very serious, and I see no encouragement. The Senator realizes his condition and is working hard in a fight for his life.

Dr. Hughes made arrangements with Dr. O'Keefe, the house surgeon of the hospital, that he was to be notified of any change in the patient's condition.

The latest bulletin followed one which Dr. Hughes had issued at 11:15 in the evening and which said:

Condition very much improved. Patient seems more appreciative of surroundings.

Among those waiting for news of the Senator were Magistrate Dooley and Haggerty and Assistant Corporation Counsel Laminaky. In the afternoon Bishop McConnell called at the hospital with Vicar-General Father McNamara. They remained with the patient an hour.

Unfavorable symptoms manifested themselves yesterday morning. While Dr. Hughes would not venture an opinion then as to whether his patient would die he said that his condition was extremely grave. Dr. John O'Keefe, the house surgeon, who was in charge of the patient on Monday night after Dr. Hughes had left the hospital, noticed a change in the sick man's condition early in the morning. His heart was very weak and his pulse irregular. His temperature remained normal. Dr. Hughes remained in the sickroom for some time on his forenoon visit and at 10 o'clock he issued the following bulletin:

Senator McCarren had a very poor night. He is troubled with hicoughs, which is a very bad sign. He is very much exhausted and weak. His heart is in poor condition.

At 3 o'clock in the afternoon the patient took a little liquid nourishment, and later he fell into a light sleep. It lasted about twenty minutes.

NEW BULL WILL FILED.

Alleged Bull Document Leaves Bulk of Estate to William T. Bull, Jr.

NEWPORT, Oct. 19.—A copy of a will of the late Melville Bull of later date than the one which has been admitted to probate at Middletown has appeared.

The new will was presented on Monday, when a petition was filed by Charles A. Wilson, a next friend of William T. Bull, a minor, praying that the copy of the will be allowed and recorded and that letters testamentary be issued to the petitioner, William T. Bull, the executor named in the will, having died.

This will is said to be a copy of a document which Mr. Bull had drawn in 1907 and was witnessed by Everett M. Bryant, William O'Neill and Francis Lawton. It is said in the petition that the original of the will had been lost or unintentionally destroyed by the late Melville Bull when by reason of sickness he had been unable to understand the nature or effect of such an act.

When the will of 1901, which left Mr. Bull's estate to his brothers and sister, was admitted to probate there were statements made that there had been a later will, in which the bulk of the estate went to Master William T. Bull, son of the late Dr. William T. Bull, a brother of the testator. This will, however, was not presented and the earlier document was admitted.

Since then Master William T. Bull appealed from the decision of the Probate Court and that matter is now pending in the Superior Court of this State.

CZAR STARTS FOR ITALY.

Roundabout Route Through Poland, Germany and France Announced.

SPECIAL CABLE DISPATCH TO THE SUN. ODESSA, Oct. 19.—The Czar embarked to-day on the imperial yacht Standart at Livadia, the imperial estate on the north coast of the Crimea, and sailed for this port on the way to Italy. He was accompanied by M. Isvolsky, Minister of Foreign Affairs, and a numerous suite.

The Czarina and the imperial children bade the Czar farewell on the quay. The harbor here has been cleared of shipping and the bottom of the harbor is being searched for mines.

The Czar will not spend a time in Odessa, but will take a train as soon as he lands. It is understood that he will travel by way of Warsaw, Posen, Frankfurt-on-the-Main and Besancon, where probably M. Pichon, French Minister of Foreign Affairs, will meet him. He will enter Italy at Modena.

TURIN, Oct. 19.—The council of the General Labor Confederation has decided against a strike as a protest against the visit of the Czar, and it urges the labor unions to refrain from even a partial strike. Many big employers in Piedmont have resolved that if there is a strike they will lock out their employees indefinitely.

NIGHT RIDERS ACTIVE AGAIN.

Kentucky State Troops Guarding Burley Tobacco Region.

LEXINGTON, Ky., Oct. 19.—Night riders have again become active in the Burley tobacco region.

Gov. Willson has ordered out State troops and they are scattered in the counties where night rider warnings have been given.

In Mason county warnings were left last night at the homes of Fred Adams and Harry Allen, both of whom were given five days in which to pool their crops or suffer the consequences. The warnings were addressed to the men and their wives. Both have refused to be forced into pooling their tobacco.

RUTH BRYAN GOING ABROAD.

Leavitt's Former Wife to Educate Her Children in Germany.

OMAHA, Oct. 19.—Mrs. Ruth Bryan Leavitt, daughter of William J. Bryan, today announced that her two children will be educated in Germany and not in American schools. While the children were attending school in Berlin Mrs. Leavitt will devote her time to voice culture. The Leavitts will sail on December 1. In the meantime Mrs. Leavitt will continue lecturing.

"I never had any intention of running for Congress as has been reported," said Mrs. Leavitt. "That was a pure fabrication. I think every woman should vote whenever she has the right to do so."

All through the rail tickets from N. Y. and Albany accepted on Day Line Steamship. Ad.

SALE OF "EVERYBODY'S" GOES

BUT JUDGE VAN WYCK OBJECTS FOR TWO HOURS.

He Thinks \$3,000,000 Too Much and Intimates That There Will Be Litigation—Wilder Stock Controls Butterick Meeting—Losses on "Ridgeway's."

There were lively doings yesterday afternoon at the meeting of Butterick Publishing Company stockholders which was called in order to get an authorization for a new issue of stock, the proceeds of which will be used for the taking over of Everybody's Magazine. Former Judge Augustus Van Wyck stood out against the purchase of the Ridgeway publication and quizzed G. W. Wilder, president of the Butterick company, for two hours as to the merits of the magazine as a money-maker. Judge Van Wyck was told that the principal assets consisted of good will, and he said that he couldn't see that that was worth \$3,000,000.

Mr. Wilder left the chair to a subordinate as soon as he found that the Judge was going to ask questions. The first question put was about the assets, answered as above.

"Well," said the Judge, "I don't wish to discredit the value of Mr. Ridgeway's good will, but I can't see that it's worth all you propose to pay him for it."

Then Mr. Wilder added: "But the magazine has a wonderfully well organized staff. It could be used to advantage on the Butterick publications."

"Are the members of the staff under contract?"

"No," answered Mr. Wilder. "They're not."

"Then do you think they will do additional work without additional compensation?" pursued Judge Van Wyck. "I don't think they will."

Then he tried to find out something about the net earnings of the Ridgeway Publishing Company in recent years. Mr. Wilder said that he had the figures at hand, but that he couldn't reveal them unless all the stockholders present would bind themselves not to make them public. He added that they amounted to 10 per cent. throughout the last two or three years.

"How about the losses from Ridgeway's Weekly?" asked the Judge. "I understand that they were pretty heavy."

Ridgeway's Weekly in the paper which was published for a while in a string of cities simultaneously.

Mr. Wilder told Judge Van Wyck that \$300,000 was lost in that enterprise, but that the whole sum had been made good.

Judge Van Wyck intimated that if the stockholders should vote to buy out the Ridgeway Publishing Company for \$3,000,000 it would test the legality of the proceeding in the courts.

"By the way," said he to Mr. Wilder, "how much Butterick stock does the Wilder family own?"

"Pretty nearly a majority," he was told. The result of the vote showed that Mr. Wilder had a majority of the stockholders with him. Out of capital stock amounting to \$12,000,000 only 4,580 shares were voted against the proposed increase. They were composed of Judge Van Wyck's holdings, those of Robert A. Van Wyck and Miss Van Wyck, about 900 shares held by the Barney estate, and a few more, conjectured to be the property of Charles W. Morse.

The capital stock of the Butterick Publishing Company will now amount to \$15,000,000 par value.

PRISONER IN AUTO UPSET.

Helps Disabled Constable and Waits for Another to Come.

FREEMONT, L. I., Oct. 19.—Thomas Roberts, a constable of Seaford, was hurt in an automobile accident this afternoon. He was taking Andrew Wichowski to the county jail at Mineola in his automobile. Wichowski had been committed on a charge of grand larceny by Justice Tatum.

On the Merrick road the car skidded and turned over. The prisoner was thrown clear, but Roberts's right leg was caught under the car and crushed. The prisoner was not hurt and he gave the alarm and brought help to the officer. Roberts was brought to a doctor here, and Wichowski came with him and waited around while the injuries were dressed. By that time it was seen that Roberts was too badly hurt to be able to go. Mineola, and another constable was summoned, who took Wichowski to the jail.

MME. JACOBY SAVES A WAITER.

Singer's Bag Wasn't Stolen at Receptor's—Found in the Stuffed Linen.

John Pugal, a waiter, unjustly arrested, was liberated yesterday by Magistrate Herrman in the Yorkville police court after his innocence had been established by the testimony of Mme. Jacoby, the opera singer.

Pugal, who lives at 508 West Fortieth street, was accused of stealing a gold watch and bag worth \$200, which was left in Receptor's on the night of September 19 by Mme. Jacoby. With her at the time was Dr. William MacLeod of 101 West Fifty-ninth street. The police found no trace of the bag. Two days ago a Central Office arrested Pugal because he had waited on the singer.

Mme. Jacoby was not on hand when the case was called in the West Side court yesterday. Dr. MacLeod was. The Court asked for evidence. The police had none. They said they had arrested Pugal upon Dr. MacLeod's complaint. The doctor denied this. Magistrate Herrman was nonsensical.

"Bring Mme. Jacoby here to make a complaint," said his Honor, "or I will subpoena her."

Dr. MacLeod promised to do so, and the hearing was put off until the afternoon session.

When Mme. Jacoby reached court she was greatly surprised at Pugal's arrest. "He didn't steal my bag," she said. "The very day after I reported my loss the bag was found among the stuffed linen at Receptor's. I have had it ever since."

Pugal was released at once.

Find a Baby in Central Park.

Louis Brown, an employee of the Park Department, found a warmly dressed two-week-old baby in the bushes of Central Park at Seventh avenue and Fifty-ninth street yesterday afternoon. It was taken to Bellevue Hospital.

If you wish to see the baby call at Bellevue Hospital. See Baby in Bellevue Hospital. Ad.

A LIFE FOR FERRETS?

Paris Paper Says Barcelona Prosecutor Has Died From Pistol Shots.

SPECIAL CABLE DISPATCH TO THE SUN. PARIS, Oct. 19.—The Petit Parisien publishes a rumor from Barcelona that an attack has been made on the prosecutor who demanded the death penalty for Ferrer.

On the night between Friday and Saturday last, it says, the prosecutor was walking on the Rambla de Canaleles when an individual fired two shots from a revolver at him and then ran away.

The story is that the prosecutor died at 3 o'clock Sunday morning.

LARGE ESTATE TO CHARITY.

Residue of Mr. Valentine's \$2,000,000 to Go to Two Hospitals.

Mitchell Valentine, who died in Westchester on September 5, aged 80 years, disposes in his will of an estate valued at \$2,000,000. He gives one half the residue to the Hahnemann Hospital and the other half to the Presbyterian Hospital.

The testator also leaves to the Peabody Home for Aged and Indigent Women at 204 Boston road, The Bronx, \$100,000 to be devoted to the purposes of the home. He gives to St. Peter's Episcopal Church of Westchester \$100,000 to assist the worthy sick and poor of the parish. He also orders his executors to cancel a mortgage for \$100,000 which he held on the property of the Methodist Episcopal Church of Westchester.

A score of bequests of from \$5,000 to \$1,000 are left to relatives and friends of the testator.

MRS. C. B. ALEXANDER HURT.

Cut by Broken Glass When Her Taxi Cab Rans an Elevated Pillar.

Mrs. Charles B. Alexander, wife of the lawyer, arrived from Taxedo yesterday afternoon and at 2:30 o'clock was in a taxi cab on Sixth avenue on her way home to 4 West Fifty-eighth street. The cab was in charge of Frederick Hayward of 211 West 117th street.

Near Fifty-sixth street Hayward applied the brakes to avoid running down a man who was crossing the avenue. The cab skidded and struck an elevated railroad pillar. Mrs. Alexander was thrown forward and her head broke a window. She was badly out over the left temple and her face was scratched by broken glass.

She was taken to her home in another taxi cab and was received there by her sister-in-law, Mrs. John J. McCook, who sent for Dr. Alexander, a brother-in-law of the injured woman. Last night Mrs. Alexander was suffering from the shock and the cuts.

CAPT. HODGINS GETS BACK.

Court of Appeals Put the Retired Police Officer on Active Duty Again.

ALBANY, Oct. 19.—William H. Hodgins, who was retired as captain of police on November 6, 1907, is to be reinstated under a decision to-day by the Court of Appeals. Hodgins objected to being placed on the pension roll, contending that he was physically able to perform the duties of a captain. The Special Term held with him, but the Appellate Division was against him.

The court affirmed the decision of the lower courts in refusing to grant a peremptory writ of mandamus to Francis C. Murphy directing the New York Commissioner of Police to recognize Murphy as a telegraph operator in the New York Police Department with the rank of lieutenant of police. Murphy was employed in the telegraph bureau, which was abolished and the electrical bureau substituted. He was dropped to a patrolman and received that pay.

BETTERS FAVOR GAYNOR.

Only a Few Bets Appear in the Campaign So Far.

Few bets have so far been made on the outcome of the election. Charley Mahoney, the stakeholder at the Hoffman House, has only had about half a dozen bets, the two largest being one of \$2,000 to \$1,500 that Barnard will finish third in the three cornered race for Mayor, and another of \$1,000 to \$